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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

HILARIA RAMIREZ,

Plaintiff,

vs.

**PERRY SHRIGLEY, an individual,
PERRY SHRIGLEY TRUCKING LTD., a
foreign corporation,**

Defendants.

Case No. 6:21-cv-01428

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and
1445(b)

(Lane County Circuit Court Case No.
21CV15473)

DEMAND FOR JURY TRIAL

TO: The Judges and Clerk of the United States District Court for the District of Oregon

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Perry Shrigley and Perry Shrigley Trucking (“Defendants”), hereby file this Notice of Removal of Civil Action, removing the above-captioned action from the Circuit Court of the State of Oregon for the County of Lane, in which it is pending, to the United States District Court for the District of Oregon.

In support of removal, Defendants state as follows:

NOTICE OF REMOVAL IS TIMELY

1. On or about April 20, 2021, Plaintiff Hilaria Ramirez (“Plaintiff”) initiated this action by filing a Complaint in the Circuit Court of the State of Oregon for the County of Lane, docketed at Case No. 21CV15473 (“State Court Action”). The Complaint names Defendants Perry Shrigley and Perry Shrigley Trucking LTD (“Defendants”). (**Exhibit 1**).

2. This notice of removal is timely filed. *See* 28 U.S.C. § 1446(b) (providing that a notice of removal must be filed within 30 days after defendant receives, by service or otherwise, the initial pleading); *Cty. of Multnomah v. Pharma*, No. 3:17-cv-02010-JE, 2018 US Dist LEXIS 235859, at *11 (D Or Feb. 14, 2018), *citing* *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48, 119 S. Ct. 1322, 1325, 143 L. Ed. 2d 448 (1999) (finding that the thirty-day period for removal is triggered by either the simultaneous service of the summons and complaint or the receipt of the complaint at some point after service of the summons). Defendant was served with a copy of plaintiff’s complaint and summons on September 15, 2021.

3. No further proceedings have been had in the Lane County Circuit Court as of the date of this removal. (**Exhibit 2**).

4. No previous requests have been made for the relief requested.

DIVERSITY JURISDICTION EXISTS

5. This is a civil action over which this court has original jurisdiction based on diversity of citizenship, pursuant to 28 U.S.C. § 1331, which provides, in relevant part, that district courts have original jurisdiction over actions where the matter in controversy exceeds \$75,000, exclusive of interest and costs, and where the action is between citizens of different states.

6. Plaintiff's Complaint alleges that Plaintiff was involved in a motor vehicle accident with Defendants in Eugene, Oregon. (Compl., ¶4).

7. Defendant Perry Shrigley Trucking LTD is a Canadian corporation owned and operated by defendant Perry Shrigley, a Canadian resident.

8. Upon information and belief, Plaintiff is a resident of Lane County, Oregon.

9. Plaintiff's Complaint includes a \$1,538,371.00 prayer for relief stemming from alleged injuries resulting from the motor vehicle accident. (Compl., ¶¶ 6 - 8). Therefore, the amount in controversy requirement as set forth in 28 U.S.C. § 1332, is satisfied.

10. Based on the foregoing, this Court therefore has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

REMOVAL TO THIS DISTRICT IS PROPER

11. Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removal of the above-captioned state court action to this court is appropriate.

12. Pursuant to 28 U.S.C. § 1441(a), removal to this court is appropriate as the district and division embracing the place where the state court action is pending.

13. Defendants will promptly serve plaintiff with this Notice of Removal, informing plaintiff that this matter has been removed to federal court. Defendants will also promptly file a copy of this Notice of Removal with the Circuit Court of Lane County, Oregon, where the action is pending.

DATED this 28th day of September, 2021. LEWIS BRISBOIS BISGAARD & SMITH LLP

s/ Tessan Wess

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*Attorneys for Defendants Perry Shrigley and
Perry Shrigley Trucking*

CERTIFICATE OF SERVICE

I certify that I served the foregoing **NOTICE OF REMOVAL** on the following attorneys by the method indicated below on the 28th day of September, 2021:

Attorneys for Plaintiff:

Scott Mahady	<input checked="" type="checkbox"/>	Via First Class Mail
DWYER WILLIAMS CHERKOSS ATTORNEYS	<input type="checkbox"/>	Via Federal Express
911 Country Club Rd, Suite 250	<input checked="" type="checkbox"/>	Via CM/ECF
Eugene, OR 97401	<input type="checkbox"/>	Via Hand-Delivery
scott@rdwyer.com	<input checked="" type="checkbox"/>	Via E-Mail

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By: s/ Tessa Wess

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